

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

IAN MENDELSON,

Defendant.

Case No. 2:07-CR-0043-KJD-PAL

ORDER

Currently before the Court is Defendant Ian Mendelsohn's (Mendelsohn) Request for Review of Magistrate Decision (#36), filed March 21, 2008. On March 5, 2007, Defendant filed an Emergency Motion to Travel (#30), and Supplemental Motion to Travel (#31) to which the Government filed a Response (#34). On March 11, 2008, Magistrate Judge Peggy Leen held a hearing in regard the Motion, and thereafter issued a Minute Order (#35) denying Defendant's Motion and Supplement. As stated above, Defendant filed a Request for Review of the Magistrate's Decision (#36) on March 21, 2008.

On March 7, 2007, a federal grand jury sitting in Las Vegas, Nevada charged Defendant Mendelsohn with one count of Coercion and Enticement in violation of 18 U.S.C. § 2422(b). According to the Government, there is strong evidence that Defendant was chatting online, on

1 numerous occasions, in a teen sex chat room soliciting sex from minors, and then later actually
2 arrived at a meeting with a person he believed to be a minor for such purposes.

3 After a detention hearing on March 22, 2007, the Court released Defendant pursuant to
4 pretrial release conditions intended to insure Defendant's appearance, the safety of the community,
5 and in order to comply with requirements of the Adam Walsh Act. Relevant here, are the conditions
6 of release that Defendant be restricted to the home detention component of the home confinement
7 program and submit to electronic monitoring or other location verification system, as well as comply
8 with a curfew as directed by pretrial services.

9 Defendant's Motion seeks that the Court reverse the Magistrate Judge's Order denying
10 Defendant's request to travel to Spain for purposes of his honeymoon. Defendant will marry his
11 fiancé Susan Gogel on March 31, 2008. As a result of her employment, Gogel has received an all-
12 expense-paid trip to Barcelona and Madrid, Spain, and seeks to use the trip as a honeymoon for
13 herself and Defendant. According to Defendant, the trip extends from April 13, 2008 through April
14 19, 2008, and will include stops in various locations throughout Madrid and Barcelona.

15 Having reviewed the Motion, Supplement, Response, and the Magistrate's ruling, the Court
16 upholds Magistrate Judge Leen's Order Denying Plaintiff's Motion. Under the conditions of his
17 release, the Court deemed it necessary that Defendant meet the conditions of electronic monitoring,
18 as well as abiding by specified restrictions on personal associations, place of abode, or travel;
19 avoiding all contact with victims or witnesses of the alleged crime; reporting on a regular basis;
20 complying with a specified curfew; and refraining from possessing a firearm of dangerous weapon.
21 18 U.S.C. §3142(c)(1)(B).

22 Here, Defendant suggests that while in Spain, he could use a GPS cell phone with a satellite
23 link, and that he could contact United States Pre-trial services daily. The Court, though sympathetic
24 to Defendant's request cannot grant his Motion because to do so would violate 18 U.S.C. §
25 3142(c)(1)(B). While in Spain, the Defendant cannot be monitored by electronic monitoring or by
26 GPS as required by the statute. Additionally, Pre-Trial Services could not determine whether

1 Defendant is in compliance with his curfew while in Spain—also required under statute. Moreover,
2 even if Defendant's request did not violate statute, the Court would not modify the conditions of
3 Defendant's release as requested, as doing so runs contrary to very purposes for which the conditions
4 of his release were ordered.

5 Therefore, **IT IS HEREBY ORDERED** that Defendant's Request for Review of Magistrate
6 Decision (#36) is **DENIED**.

7 DATED this 31st day of March 2008.

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11 Kent J. Dawson
12 United States District Judge
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